

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	09/403,608	YIP ET AL. Art Unit
	Examiner Deborah A. Raizen	2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to Letter 17 March 2004 and Amendment 8 March 2004.

2.  The allowed claim(s) is/are 46-48,51,54,56,57,67,68,73,77,78 and 80-94.

3.  The drawings filed on 17 March 2004 and 25 October 1999 are accepted by the Examiner.

4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All    b)  Some\*    c)  None    of the:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6.  CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.

(b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of  
Paper No./Mail Date \_\_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**

7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

- 1.  Notice of References Cited (PTO-892)
- 2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
- 4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
- 5.  Notice of Informal Patent Application (PTO-152)
- 6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
- 7.  Examiner's Amendment/Comment
- 8.  Examiner's Statement of Reasons for Allowance
- 9.  Other \_\_\_\_\_

## REASONS FOR ALLOWANCE

### *Drawings*

1. The replacement drawing for Figure 4 was received on March 17, 2004. This drawing is accepted.

### *Allowable Subject Matter*

2. Claims 46-48, 51, 54, 56-57, 67, 68, 73, 77, 78, and 80-94 are allowed.

The following is an examiner's statement of reasons for allowance:

The reasons for allowance of claims 51, 54, 57, and 81 were provided in paper no. 19 of November 7, 2003.

Furthermore, with regard to the rejection of claims 46, 68, and 84 under 35 U.S.C. 112, 1<sup>st</sup> paragraph, applicants' arguments on Page 18 of Remarks filed March 8, 2004 have been fully considered and are persuasive. Also, the same arguments are persuasive with respect to the many species other than zirconium metal that are included in the claims and not disclosed in the international application. Furthermore, the apparent discontinuity in disclosure can be explained by the delay in acceptance to the national stage because of the defective oath. The issues of whether applicants have filed the current application within one year from the filing of the foreign priority application by their attempt to enter the national stage, which included the documents that would have been necessary for establishing a filing date of a domestic application, and whether such a condition is necessary for the patentability of these claims, are

outside the scope of this examination. Accordingly, the rejection of claims 46, 68, and 84 under 35 U.S.C. 112, 1<sup>st</sup> paragraph is withdrawn.

Also, the objection to the incorporation by reference of Italian patent 1.244.374 is withdrawn because it does not disclose subject matter that is essential for the claims.

The prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of claims 67, 83, and 92 in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper.

The prior art fails to teach a combination of all the features in claim 67. For example, these features include the detailed structure recited, especially the limitation that the asymmetric reflectance light absorbing coating is deposited on the concave surface of the back lens wafer, in combination with all the other limitations of the claim. The term "back lens wafer", as understood, requires combination of the back lens wafer with a front lens wafer.

The prior art fails to teach a combination of all the features in claim 83. For example, these features include the detailed steps recited, especially the limitation that a surface of the lens is subjected to a plasma treatment that improves adhesion thereto, in combination with all the other limitations of the claim.

The prior art fails to teach a combination of all the features in claim 92. For example, these features include the detailed structure recited, especially the limitation that the asymmetric reflectance light absorbing coating is deposited on the convex surface of the front lens wafer, in combination with all the other limitations of the claim. The term "front lens wafer", as understood, requires combination of the front lens wafer with a back lens wafer.

Claims 46-48, 56, 68, 73, 77, 78, 80, 82, 84-91, 93, and 94 depend on allowed claims and are therefore allowed as well.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deborah A. Raizen, Ph.D., J.D., whose telephone number is (571) 272-2336. The examiner can normally be reached on Monday-Friday, from 10:00 a.m. to 3:00 p.m. Eastern Standard Time (a part-time schedule).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached at (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 (please note that this number is different from the previous two numbers provided until the summer of 2003).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). The Patent EBC is a complete customer service center that supports all Patent e-business products and service applications. External customers should be directed to EBC representatives, who can be reached at 703-305-3028 or toll free at 866-217-9197 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at: [ebc@uspto.gov](mailto:ebc@uspto.gov). Additional information is available on the Patent EBC Web site at: <http://www.uspto.gov/ebc/index.html>.

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Scott J. Sugarman  
Primary Examiner